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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,616	12/28/2000	Michel Bruno	CH919990030US1	9446

7590 05/30/2003
Robert M. Trepp
IBM CORPORATION
Intellectual Property Law Dept.
P.O. Box 218
Yorktown Heights, NY 10598

EXAMINER

FUNK, STEPHEN R

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/752,616

Applicant(s)
Bruno et al.

Examiner
Stephen Funk

Art Unit
2854



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 10, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-27, 29, and 30 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 9, 11-15, 22-27, and 30 is/are rejected.
- 7) ☒ Claim(s) 1, 2, 4-6, 8, 10, 16-21, and 29 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Europe on 12/31/1999. It is noted, however, that applicant has not filed a certified copy of the application as required by 35 U.S.C. 119(b).

The abstract of the disclosure is objected to because it contains the legal phraseology "said". Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: On page 3 lines 10 and 11 "waver" has no clear meaning; on page 5 line 25 --a-- should be inserted before "drum"; on page 6 lines 4 and 22 the comma between "0" and "5" should be replaced with a period; the sentences on page 9 lines 13 - 16 appear to be incomplete; on page 11 line 1 "larger" is misspelled; on page 11 line 21 "an" should be --a--; on page 12 line 18, and throughout the entire specification, "it's" should be --its--; on page 12 line 19 "are moisten" should be corrected; on page 14 lines 29 - 30 reference numeral "13" is not shown in Figure 3B; and on page 17 line 11 "of said of said" is repetitive. Applicant is requested to carefully review the specification and correct any additional errors not noted above. Appropriate correction is required.

Claims 11 - 15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In each of claims 11 - 15 the force transducer zone is not adequately supported by the disclosure to enable one of ordinary skill in the art to make or use the invention. See page 3 lines

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17 - 23, page 7 line 14 - page 8 line 5, and page 14 line 14 - page 15 line 12 in the specification and Figures 3A - 3F in the drawings. It is not clear what makes up the force transducers, where they are located, and how they are interpreted to provide a measure of the stamping force. Furthermore, the description of Figures 3A - 3E is completely inadequate in describing the force transducers. Although Figure 3F shows the force transducer zones in the margins of the stamp it is still not clear what the force transducers are or how they work.

Claims 1, 2, 4 - 14, 16 - 27, 29, and 30 are objected to because of the following informalities.

In claim 1 line 5 and claim 2 line 6 it appears that --for-- should be inserted before "thermal".

In claim 2 line 5 "off" should be --of--.

In claim 10 line 2 "a", second occurrence, should be --at--.

In claim 14 line 6 "margins" is misspelled.

In claim 27 line 1 "said" is misspelled.

Claims 7, 9, 12 - 14, 22 - 27, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7 line 3 "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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In claim 9 "said press means" lacks proper antecedent basis. Note that the "press means" in claim 8 is only inferentially recited; the claim does not positively recite that the stamp device includes a press means but only that the soft layer may have a force "directable" onto it. Thus, the press means in claim 9 lacks proper antecedent basis. Applicant should amend claim 9, and possibly claim 8, to accurately recite that the stamp device positively further includes a press means. (Note claim 2 lines 3 - 4 for comparison.)

In claim 12 lines 2 - 4 it is not clear which "structures" are being referred to that are "proximate said area free of structures" and "which bounds the area free of structures in at least one direction". Which structures are these? Are these structures shown in the drawings?

In claim 13 lines 2 - 3 it is not clear what "linear structures" is referring to for the same reasons stated above in claim 12. Which structures are these? Are these structures shown in the drawings?

In claim 14 lines 9 - 12 are indefinite for the reasons stated above with respect to claim 13.

In claim 17 line 3 "like" renders the claim indefinite because the claim includes elements not actually disclosed (that encompassed by "like"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

In each of claims 22 - 27 the recitation of the stamp device comprising the self aligning means, i.e. lock elements, on the substrate renders the scope of the claims indefinite. Claim 1 only sets forth a stamp device "for" printing on a substrate, but not the substrate itself. However, each of claims 22 - 27 positively recite structure of the substrate as an element of the stamp

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device. Claims 22 - 27 could be corrected by claiming the stamp device in combination with the substrate.

In claim 27 "the hard support posts" lacks proper antecedent basis.

In claim 30 line 2 "a closed gaseous network" would appear to be a double recitation of "a fluidic or gas network" recited in the last line of claim 19. In line 3 "at least one passage channel" would appear to be a double recitation of the same in claim 19 penultimate line. Also in line 3 there is no structure recited to further define the gaseous network other than that it is pressurized. However, as recited this would be an intended use of the stamp device as no pressurizing device is recited to provide the function of pressurizing the network.

Claims 1, 2, 4 - 6, 8, 10, 16 - 21, and 29 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

Claims 7, 9, 22 - 27, and 30 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claim 11 would be allowable if rewritten or amended to overcome the objections above and the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action.

Claims 12 - 15 would be allowable if rewritten or amended to overcome the objections above and the rejection(s) under 35 U.S.C. 112, first and second paragraphs, set forth in this Office action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Biebuyck et al. ('853) is considered to be relevant to claims 18 - 21.

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Applicant's arguments filed March 10, 2003 have been fully considered but they are not persuasive. The second paragraph on page 7 of the Remarks does not adequately describe the force transducing zone so as to overcome the 35 U.S.C. 112; first paragraph, rejection. It is still not clear exactly what constitutes the force transducers and what Figures 3A - 3F mean.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

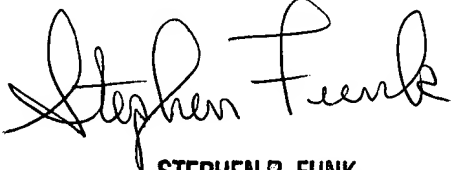
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Funk at telephone number (703) 308-0982. The examiner can normally be reached Monday - Friday, except Wednesdays, from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Hirshfeld, can be reached at (703) 305-6619.

The fax number for *official* papers is (703) 308-7722, 7724. The fax number for those wishing an auto-reply verifying receipt of *official* papers is (703) 872-9318 or for After-Final actions is (703) 872-9319. Upon consulting with the examiner *unofficial* papers only may be faxed directly to the examiner.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at telephone number (703) 308-0956.

Stephen Funk
May 21, 2003



STEPHEN R. FUNK
PRIMARY EXAMINER